

ENTERED

April 28, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

No. 3:19-335

JOHN DAVID KENNEMER, PLAINTIFF,

v.

WARDEN A. CHEVALLIER, DEFENDANT.

ORDER OF DISMISSAL

JEFFREY VINCENT BROWN, *UNITED STATES DISTRICT JUDGE*:

The plaintiff, John David Kennemer, filed this lawsuit when incarcerated in Texas Department of Criminal Justice. On January 13, 2022, after Kennemer was released from custody, the court entered an order explaining that the filing-fee requirement under the Prison Litigation Reform Act, 28 U.S.C. § 1915(b), continues to apply to his case. The court ordered Kennemer to submit monthly payments of \$10.00 starting on February 15, 2022, until the entire \$350 filing fee was satisfied. The court also warned Kennemer that, if he failed to comply as directed, the court could dismiss the case for want of prosecution without further notice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Dkt. 113.

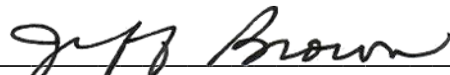
Since entry of the court's order, Kennemer has made no payment and has filed no document with the court. Under the inherent powers necessarily vested in

a district court to manage its own affairs, the court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Gates v. Strain*, 885 F.3d 874 (5th Cir. 2018); *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440–41 (5th Cir. 2016) (a district court may dismiss an action *sua sponte* for failure to prosecute an action or to comply with court orders).

The court orders that this case is dismissed without prejudice. All pending motions, if any, are denied as moot.

The Clerk will provide a copy of this order to the parties.

Signed on Galveston Island this 28th day of April, 2022.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE